

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
JUN - 6 2006

DAVID J. MALAND, CLERK

JOHN E. DOBBS

§

BY

DEPUTY

V.

§

CASE NO. 4:04cv438

(Judge Brown/Judge Bush)

Commissioner of Social  
Security Administration

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**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the Report of the United States Magistrate Judge in this action for judicial review of the administrative denial of social security disability insurance benefits, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On April 28, 2006, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that the decision of the commissioner should be reversed and remanded.

As neither party has filed objections to the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the decision of the Commissioner shall be and is hereby **REVERSED** and the cause **REMANDED** with instructions that the Administrative Law Judge fully and fairly assess whether Plaintiff

is disabled.

**SIGNED** this 5<sup>th</sup> <sup>June</sup> day of ~~May~~, 2006.

  
PAUL BROWN  
UNITED STATES DISTRICT JUDGE